

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

GRACIE F. SCOTT

Plaintiff,

v.

BELK, INC.,

Defendant.

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CV 416 - 003
CIVIL FILE NO. _____

NOTICE OF REMOVAL

COMES NOW Defendant BELK, INC. (hereinafter referred to as "Defendant") in the above-styled action, and within the time prescribed by law, files this Notice of Removal and respectfully shows the Court as follows:

1.

Plaintiff filed suit against Defendant in the State Court of Chatham County, which county is within the Savannah Division of this Court. Said action has been designated as Civil Action File No. STCV1501572 in that Court.

2.

Defendant shows that said suit was instituted on October 2, 2015 in the State Court of Chatham County and served upon Defendant on October 12, 2015 via its

registered agent for service in the State of Georgia, National Registered Agents, Inc.

3.

Defendant Belk, Inc. is a corporation organized under the laws of the State of Delaware, with its principal place of business in North Carolina. Belk, Inc. is not a citizen of the State of Georgia, and was not a citizen of the State of Georgia on the date of the filing of the aforesaid civil action and has not been thereafter.

4.

Plaintiff is a citizen of Hinesville, Liberty County, Georgia. (See Plaintiff's Complaint, ¶ 1).

5.

Plaintiff claims damages for negligence resulting from a trip and fall at the Belk located in Oglethorpe Mall in Savannah Georgia. Plaintiff asserts in part that Defendant negligently and carelessly maintained its premises in an unsafe, dangerous and defective manner by permitting abnormal and uneven tile and grout conditions to exist on the premises. Plaintiff allegedly suffered a dental fracture, mouth lacerations, neck pain, and injury to her right knee. She seeks to recover general and special damages, including medical expenses, mental and physical

pain and suffering, and attorney's fees and expenses of litigation. (See Plaintiff's Complaint, ¶¶ 6-19).

6.

On December 21, 2015, Plaintiff provided responses to Defendant's written discovery. In response to Interrogatory Number 31, Plaintiff provided a medical expense summary, which itemized her medical expenses following the subject incident and totaled \$75,715.32. Additionally, in response to Interrogatory Number 36, Plaintiff identified a lost wage claim of approximately \$3,800.00. A copy of Plaintiff's Responses to Defendant's First Continuing Interrogatories, including the aforementioned medical expense summary, have been attached hereto and marked as Exhibit "A."

7.

Now, within thirty (30) days after receipt of Plaintiff's written discovery, Belk, Inc. removes this matter to this Court pursuant to Title 28 of the United States Code §1446, which permits a case to be removed if the case stated by initial pleading is not removable, but Defendant later receives other paper (which includes written discovery) from which it can be ascertained that the case is one which has become removable. Defendant now removes this case to federal court on the basis of diversity jurisdiction provided by Title 28 of the United States Code

§1441 and §1332, as not more than one year has expired since the case was commenced.

8.

Defendant has attached hereto a copy of the *Summons* and *Complaint*, marked as Exhibit “B” and a copy of *Defendant’s Answer and Affirmative Defenses to Plaintiff’s Complaint*, marked as Exhibit “C.”

9.

Defendant has attached hereto copies of all other process, pleadings and orders filed in the State Court of Chatham County, such copies being marked as Exhibit “D.”

10.

Defendant has given written notice of the filing of this Notice of Removal to the Plaintiff by notifying her attorneys of record, H. Craig Stafford, Esq., Jeffery L. Arnold, Esq., and Andrew S. Johnson, Esq. of ARNOLD & STAFFORD. Moreover, Defendant has submitted for filing a written notice with the Clerk of the State Court of Chatham County, a copy of said notice being marked as “Exhibit E” and attached hereto.

WHEREFORE, Defendant prays that this case be removed to the United States District Court for the Southern District of Georgia, Savannah Division.

Respectfully submitted this 6th day of January 2016.

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ Pamela Newsome Lee
Pamela Newsom Lee
Georgia State Bar No. 198981

Counsel for Defendant Belk, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing ***NOTICE OF REMOVAL*** upon all parties to this matter by depositing a true copy of same via U.S. Mail, proper postage prepaid, addressed to counsel of record as follows:

H. Craig Stafford, Esq.
Jeffery L. Arnold, Esq.
Andrew S. Johnson, Esq.
ARNOLD & STAFFORD
Post Office Box 339
Hinesville, Georgia 31310

Respectfully submitted this 6th day of January 2016.

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ Pamela Newsome Lee
Pamela Newsom Lee
Georgia State Bar No. 198981

Counsel for Defendant Belk, Inc.

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